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UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT

TRADE AND DEVELOPMENT BOARD

Thirty-fourth session

OFFICIAL RECORDS

Supplement No. 4

Report of the Committee on Shipping

on its thirteenth session
(14-22 March 1988)

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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For the recommendations, resolutions, declarations and decisions adopted by the United Nations Conference on Trade and Development, see:

First session: *Proceedings of the United Nations Conference on Trade and Development*, vol. I, *Final Act and Report* (United Nations publication, Sales No. 64.II.B.11), pp. 18-65;

Second session: *Proceedings of the United Nations Conference on Trade and Development, Second Session*, vol. I and Corr.1 and 3 and Add.1 and 2, *Report and Annexes* (United Nations publication, Sales No. E.68.II.D.14), annex I, A, pp. 28-58;

Third session: *Proceedings of the United Nations Conference on Trade and Development, Third Session*, vol. I, *Report and Annexes* (United Nations publication, Sales No. E.73.II.D.4), annex I, A, pp. 53-114;

Fourth session: *Proceedings of the United Nations Conference on Trade and Development, Fourth Session*, vol. I and Corr.1, *Report and Annexes* (United Nations publication, Sales No. E.76.II.D.10), part one, sect. A, pp. 6-43;

Fifth session: *Proceedings of the United Nations Conference on Trade and Development, Fifth Session*, vol. I, *Report and Annexes* (United Nations publication, Sales No. E.79.II.D.14), part one, sect. A, pp. 6-50;

Sixth session: *Proceedings of the United Nations Conference on Trade and Development, Sixth Session*, vol. I, *Report and Annexes* (United Nations publication, Sales No. E.83.II.D.6), part one, sect. A, pp. 6-40;

Seventh session: *Proceedings of the United Nations Conference on Trade and Development, Seventh Session*, vol. I, *Report and Annexes* (United Nations publication, Sales No. E.88.II.D.1), part one, sect. A, pp. 6-27.

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ABBREVIATIONS

ASEAN	Association of South East Asian Nations
BIMCO	Baltic and International Maritime Council
CMEA	Council for Mutual Economic Assistance
dwt	deadweight tonnage
ECDC	economic co-operation among developing countries
EEC	European Economic Community
ICC	International Chamber of Commerce
ICS	International Chamber of Shipping
ILO	International Labour Organisation
IMO	International Maritime Organization
ISO	International Organization for Standardization
MFPE	Maritime Fraud Prevention Exchange
TCDC	technical co-operation among developing countries
UNCITRAL	United Nations Commission on International Trade Law
UNDP	United Nations Development Programme

LEGAL INSTRUMENTS CITED IN THE PRESENT REPORT

The Hague/Visby Rules—International Convention for the Unification of Certain Rules relating to Bills of Lading, signed at Brussels, 25 August 1924, and Protocol to amend the International Convention for the Unification of Certain Rules of Law relating to Bills of Lading, signed at Brussels, 23 February 1968	*Register of texts of Conventions and other instruments concerning international trade law*, vol. II (United Nations publication, Sales No. E.73.V.3), pp. 130 and 180)
Convention on a Code of Conduct for Liner Conferences, adopted at Geneva, 6 April 1974	*United Nations Conference of Plenipotentiaries on a Code of Conduct for Liner Conferences*, vol. II, *Final Act (including the Convention and resolutions) and tonnage requirements* (United Nations publication, Sales No. E.75.II.D.12)
Hamburg Rules—United Nations Convention on the Carriage of Goods by Sea, adopted at Hamburg, 31 March 1978	*Yearbook of the United Nations Commission on International Trade Law*, vol. IX: 1978 (United Nations publication, Sales No. E.80.V.8), part three, sect. I, B)
United Nations Convention on International Multimodal Transport of Goods, adopted at Geneva, 24 May 1980	*United Nations Conference on a Convention on International Multimodal Transport*, vol. I, *Final Act and Convention on International Multimodal Transport of Goods* [United Nations publication, Sales No. E.81.II.D.7 (vol. I) and Corrigendum]
United Nations Convention on Conditions for Registration of Ships, adopted at Geneva, 7 February 1986	TD/RS/CONF/23

INTRODUCTION

1. The Committee on Shipping held its thirteenth session at the Palais des Nations, Geneva, from 14 to 22 March 1988, in accordance with the calendar of meetings. In the course of the session, the Committee held three plenary meetings. The present report contains a short account of its proceedings.

2. Opening the session, Mr. Ola Adegbeyeni (Nigeria) the *outgoing Chairman*, stated that overcapacity continued at unacceptable levels and there was a great need to deal with its root cause, namely, high levels of governmental financial subsidies and indirect support measures. The Committee, at the current session, could make a positive contribution by agreeing on the proposal to develop and adopt a common measure of understanding on shipping and shipbuilding. He observed that the volume of freight costs on imports of developing countries, sharp declines in prices of commodities of major interest to developing countries, and developments in currency exchange rates which had led to large increases in currency adjustment factors imposed by shipping lines, all called for increased information and assistance to shippers, particularly in developing countries.

3. Reviewing the procedural and substantive tasks before the Committee, Mr. Hugo Sommerkamp-Bernales (Peru) the incoming *Chairman*, pointed out that governmental and private efforts to mitigate the disastrous consequences of the problem of overcapacity had had only a limited impact. The current session was thus a new opportunity to reconcile standpoints within the shipping industry to re-establish the necessary equitable conditions for the normal function of the shipping market.

4. The *Deputy Secretary-General of UNCTAD* said that although the developing countries had attained in 1987 the objective—originally set for 1990—of 20 per cent of the gross registered tonnage of the world merchant fleet, much remained to be done to increase earnings and to reduce foreign-currency expenditures stemming from shipping activities. Qualitative progress could be made if the world distribution of gross registered tonnage reflected more closely the pattern of trade flows. In the coming years, the prime objective of any strategy in the shipping sector would continue to be the pursuit of essential structural changes through coherent national and international measures. The entry into force of several international conventions on shipping should provide the legal instruments necessary for that purpose. In view of the resource constraints and the new rules governing the work of the organization, the Committee might wish to set clear priorities for the secretariat so that tangible results could be achieved. In particular, the Committee might decide to focus its future sessions on one or two topical issues of major importance.

5. Referring to agenda item 3, on imbalance between supply and demand, he observed that two major problems were currently affecting world shipping: surplus transport capacity in almost all sectors and the obstacles to competition that were due to the growth of protectionist practices. Although that situation was not confined to shipping, its extent and evolution were particularly visible in the shipping industry.

6. It was now widely recognized that the world shipbuilding industry was facing a basic structural crisis rather than a cyclical problem of demand, and that only concerted action by the whole international community would enable the sector to revert to normality. Since shipping and shipbuilding were interdependent, it was impossible to draw up effective general policy measures for shipping at the international, regional and, for that matter, national levels without taking into account the situation in the shipbuilding industry throughout the world.

7. He felt that the report and resolution adopted by the *Ad Hoc* Intergovernmental Group of Senior Officials on Co-operation among Developing Countries in Shipping, Ports and Multimodal Transport (TD/B/C.4/311), which met in September 1987, indicated that the potential for co-operation among developing countries in that sector had not been sufficiently exploited.

8. The secretariat had noted with great interest the progress made since November 1986 towards the implementation of the Hamburg Rules. The documentation before the Committee provided data on the consequences of the future entry into force of that Convention, which should help to dispel any doubts about its relevance to the improvement of international trade relations.

9. The spokesman for the *Group of 77* (Mexico) pointed out that supply continued to be controlled by a small number of countries, as the secretariat statistics on container ships and tankers indicated, the result was that although developing countries generated more than 50 per cent of world cargo tonnage, they owned only some 20 per cent of world shipping tonnage. Harmonized policies to deal with the problem should take particular account of the interests of the developing countries.

10. The series of conventions recently adopted represented the international community's most positive contribution towards the evolution of a more just maritime order. All States had a responsibility to ensure their prompt entry into force and he urged that the secretariat be mandated to strengthen its technical assistance activities to that end.

11. The programme for co-operation among developing countries (see TD/B/C.4/311) offered many possibilities but the secretariat could play a more

dynamic role as it was the focal point for related activities by the countries and regional organizations concerned.

12. As to the work programme, the increase in the dimensions of containers was preoccupying and UNCTAD should persuade the various organizations concerned that it was undesirable to introduce new technologies without confirmation of their viability and prior consultations with the sectors and Governments involved.

13. The Group of 77 was satisfied with the progress achieved regarding maritime legislation, in particular the prevention of maritime fraud but more concrete action appeared necessary by both Governments and the secretariat.

14. The programme relating to ports was satisfactory but should be linked to technical assistance and training so as to promote the implementation of decisions by the Committee, the ratification of conventions adopted under UNCTAD auspices and the improvement of port installations in developing countries.

15. The 20 per cent excess merchant fleet capacity had generated a degree of hyper-competition which had caused protectionist measures to increase in respect of both maritime transport and shipbuilding. That phenomenon should be studied together with trade and he recalled that at the eleventh session of the Committee in November 1984, the Group of 77 had stated that it was important for the international community to recognize that every country had a right to participate to a reasonable degree in the transport generated by its foreign trade.[1] If the developing countries had adopted-protectionnist measures, it was because they had been obliged to do so since those who had created the situation had resorted to subsidies, cartels, or government intervention which had prevented developing countries from entering trades.

16. From UNCTAD's establishment in 1964 it had been accepted that developing countries should have an adequate and just share in the trades serving their countries. Shipping required considerable capital yet even where the projects of developing country lines were viable, they were denied credit whereas other countries continued placing new orders practically without limit.

17. The Group of 77 had a number of ideas to harmonize North-South relations in the field of shipping. They revolved around the concept of shared development directed to the gradual achievement of a more equitable society. That implied the development of a mechanism to protect the weakest—in other words, in certain circumstances, non-reciprocal preferential treatment.

18. The spokesman for *Group B* (United States of America) pointed out that since the previous session developing countries had achieved their 20 per cent target—almost three years earlier than planned. There had been a timid improvement in almost all sectors of the shipping market. Consequently, freight rates had increased somewhat, laid-up tonnage had fallen consistently, the overall size of the world fleet had been reduced and the world order book remained at its 1985 level. Overall, by the end of 1987 the demand and supply equation seemed slightly healthier than 12 months earlier, although a substantial tonnage surplus persisted in almost all markets.

19. Group B was particularly interested in exploring ways of avoiding a recurrence of the imbalance situation. It would have been highly desirable to receive a detailed report on all factors contributing to that situation, as requested in Committee resolution 57 (XII) of 21 November 1986. The supplementary report (TD/B/C.4/312)[2] lacked a fair and critical analysis of all recent elements which had affected the excess capacity situation. Although there was an interrelationship between shipping and shipbuilding issues, it was going too far to state that shipping policy measures could not be considered without taking into consideration shipbuilding problems. However, as it had stated at the previous session, Group B was not in a position to discuss questions related to the reduction of world shipbuilding capacities but only the contribution that world shipbuilding overcapacity had made to the current imbalance problem. The Committee had no mandate to adopt substantive recommendations on shipbuilding issues (see TD/B/1123, para. 32).

20. The Committee had charged the UNCTAD secretariat with carrying out a large number of studies in various rather specialized fields and it seemed that the Committee had almost lost sight of the mandates given to the secretariat. He asked the secretariat for a list of studies for which it already had a mandate, but which had not yet been made available. The multimodal sector was an almost perfect example; approximately 20 studies had been submitted to the Committee, which had now been asked to give an additional mandate to the secretariat. The Committee should not ask for studies for which Committee resolution 36 (IX) of 13 September 1980, did not provide legislative authority. Group B envisaged a discussion on the work programme that would lead to the adoption of the complete work programme for the Committee and the secretariat for the next two years or longer.

21. In the field of maritime fraud, Group B was pleased that the start-up of the Maritime Fraud Prevention Exchange centre was scheduled for the first quarter of 1988. Furthermore, it was pleased with the work done concerning non-mandatory minimum standards for shipping agents. It was prepared to endorse those non-mandatory rules and bring them to the attention of appropriate professional organizations. However, it continued to oppose any governmental involvement in establishing minimum standards for shipping agents, as any such standards could well become mandatory requirements. Group B was also pleased with the progress made by the Joint Intergovernmental Group of Experts on Maritime Liens and Mortgages and Related Subjects.

22. The spokesman for *Group D* observed that the session should demonstrate the readiness and ability of the international community to find a common solution to the problem of imbalance between demand and supply of tonnage in world shipping, as that contained

[1] *Official Records of the Trade and Development Board, Thirtieth Session, Supplement No. 2* (TD/B/1034), para. 83.

[2] A corrigendum was subsequently issued (TD/B/C.4/312/Corr.1).

in itself a genuine threat to the orderly development of the industry.

23. As to the cause of the imbalance, he stressed the importance of governmental assistance to shipping and shipbuilding. Group D fully agreed with the secretariat that governmental assistance in the form of subsidies was the main reason for the current crisis. At the same time, he pointed out that the national legislation of States members of Group D did not foresee any protectionist measures for the benefit of their national shipowners concerning access to the cargoes of national foreign trade.

24. He drew attention to the general desire of shipowning companies of developed market-economy countries to reinvest their profits in the ordering of new ships, often without taking into consideration actual demand for shipping services. The permanent and unjustified increase of the open-registry fleets' tonnage was the main method of such a policy. He stressed that the share of that fleet in the world tonnage had increased from 30 per cent in 1984 to 34.2 per cent in 1987.

25. Group D supported the secretariat proposal on preparation for submission at the fourteenth session of the Committee of a draft text for a "Common Measure of Understanding on Shipping and Shipbuilding Questions" (see TD/B/C.4/312, para. 83). UNCTAD and the Committee on Shipping should play a leading role in seeking a way out of the prolonged crisis in shipping.

26. He evaluated the reports prepared by the UNCTAD secretariat positively. However, stressing that misrepresentation of official information was not admissible, he referred to TD/B/C.4/312, paragraphs 32 and 33,[1] pointing out that socialist countries did not reserve their foreign trade cargoes for national fleets—a fact they had stated in their responses in paragraphs 49 and 63 of the same report.

27. Group D appreciated with understanding the tendency towards co-operation among developing countries and their self-reliance in the field of maritime transport and considered as positive the results of the *Ad Hoc* Intergovernmental Group of Senior Officials on Co-operation among Developing Countries in Shipping, Ports and Multimodal Transport. Referring to paragraph 7 of the resolution adopted by the *Ad Hoc* Group (TD/B/C.4/311, annex), he said that Group D would render any necessary assistance to the secretariat in the preparation of a study on CMEA member countries' experience of co-operation in maritime transport. Given the importance of that resolution, he suggested that the secretariat should report on its execution orally to the Committee at its fourteenth session.

28. The Committee should give priority to the issues directed to the restructuring of relations in world shipping on the basis of equality and mutual benefit and refrain from considering purely technical matters to the detriment of solving political problems in global transport. In that connection, he felt the secretariat should define more precisely, *inter alia*, in the issues of *Review of Maritime Transport*, the composition of the group of open-registry countries, taking into account the rules on registration of ships. That would show the real size of open-registry fleets. He also suggested that the secretariat should prepare a study on the effect on international shipping of the establishment by a number of developed market-economy countries of so-called "international" or "off-shore" registers.

29. Given the decisions by some countries to apply common economic sanctions against countries whose shipowners infringed criteria established by them with regard to "fair competition" in liner shipping, he proposed that the secretariat should be requested to prepare criteria in relation to the concept of "fair competition", which should be based on costs and freight rates quoted by competing shipowners, but not so-called "established shipowners" as had been agreed by some countries in the framework of a common policy in shipping. The criteria should also take into account such methods of competition as the employment of open-registry fleets, direct and indirect subsidies, etc.

30. To create better understanding in shipping, the Committee could entrust the secretariat with the preparation of a study of the possible influence of the reforms in the management and activities of maritime transport in the socialist countries.

31. Group D considered as positive preparation of standard rules for transportation of containers, as well as UNCTAD activities aimed at restraining the increase of container dimensions.

32. Noting, in particular the fact that the flag State was primarily responsible for the operation of its ships and that port State control is of secondary importance, he suggested that the secretariat should monitor the regional practices of port State control over ships on the basis of information received from UNCTAD member States in order to provide the Committee with adequate information on such control.

33. He also supported the secretariat proposal concerning the draft of non-mandatory minimum standards for ship agents.

34. Having noted the useful work of the secretariat in the field of technical assistance and training, he suggested that lists of experts, indicating their names and citizenship, should be included in the UNCTAD documents. He recalled that Group D countries had a large number of highly qualified experts who could be recruited by the secretariat.

35. The representative of *China* observed that the overcapacity situation had spread to affect all sectors in world shipping and all maritime countries so that its impact on the shipping industry of developing countries was all the more serious. Since the twelfth session of the Committee, in November 1986, the shipping market had experienced a moderate increase in demand, a slight growth in shipping volume, a small reduction of tonnage supply and a decrease in the dwt of the world fleet. However, the overtonnage situation remained serious; the recovery was unstable and no significant improvement could be expected in the near future.

36. Developing countries had made some progress in the development of their national shipping industries and their participation in world shipping, although that was rather limited; their share in world total cargo

[1] *Idem.*

volume was relatively low, hence the need for further development of their shipping industry to ensure effective participation in world shipping. Meanwhile, ECDC in the area of shipping, ports and multimodal transport was extremely important for it was at once conducive to the development of the national shipping industry and helpful in solving the major problem in world shipping, namely, overcapacity.

37. China supported the idea of co-operation in various forms among developing countries on the basis of equality and mutual benefit and advocated formulation of principles for co-operation acceptable to all in the spirit of mutual accommodation and support for the development of world shipping. The financial support by several countries and international organizations, such as UNDP, for the technical assistance activities in shipping was praiseworthy and China hoped that those activities would be further strengthened.

38. The representative of the *International Labour Organisation* focused on the imbalance between supply and demand (agenda item 3) and the future work programme for the Shipping Division (agenda item 5). He noted that the Seventy-fourth (Maritime) Session of the General Conference of ILO, held in September-October, in addition to discussing proposals for new instruments concerning living and working conditions for seafarers, had also covered the overcapacity situation. In the view of the Director-General of ILO, the surplus tonnage situation had been the cause of many problems associated with sub-standard shipping and had resulted in decreased employment opportunities, insecure working conditions, and extended periods at sea with lower pay rates and had forced seafarers to assume greater responsibility for pension arrangements.

39. In the technical assistance field, he noted that such assistance complemented and reinforced its work of standard-setting. Examples of that activity were ILO's work in the port sector, with projects in developing countries dealing with manpower planning, vocational training, occupational safety and health, legislation, administration, conditions of employment and labour-management co-operation. Preparation of training programmes on the application of modern cargo-handling techniques would continue to be one of the main areas for future assistance. As examples of ongoing projects, he mentioned two port training projects in the United Republic of Tanzania and Mozambique, executed by bilateral technical assistance financing. Reference was also made to increased TCDC activities in the port sector, particularly in the Latin American region. Technical assistance provided by UNCTAD and ILO was complementary and the existing co-operation between the two organizations should continue.

40. The representative of the *United Nations Commission on International Trade Law* noted the co-operation and co-ordination between the secretariats of UNCTAD and UNCITRAL on matters of mutual interest. He reported that the United Nations Convention on the Carriage of Goods by Sea, 1978 (the "Hamburg Rules") had received 12 of the 20 ratifications needed for entry into force. Several other Governments were carefully assessing or reassessing the interests of their countries in relation to the Convention. Given the growing momentum towards implementation of the Hamburg Rules, it could be confidently predicted that they would, within the foreseeable future, receive the ratification and accessions necessary to enter into force. To achieve uniformity of law, it was highly desirable for Governments to act with the common objective of achieving widespread adherence to the Hamburg Rules as soon as possible so as to minimize the transition period.

41. Reporting on the status of work within UNCITRAL on the formulation of a draft convention on the liability of operators of transport terminals in international trade, he said the instrument would establish a legal régime for terminal operators which was in harmony with the legal regimes governing other elements of the transport chain. It would protect cargo interests, carriers, and multimodal transport operators seeking recourse against terminal operators, and would provide terminal operators with greater legal protection than they currently enjoyed under many legal systems. The text of the draft convention, prepared by an UNCITRAL Working Group on International Contract Practices in January 1988,[4] was expected to be circulated to Governments and interested international organizations for comment, and then to be considered substantively at the twenty-second session of UNCITRAL in 1989. He noted the valuable co-operation of the UNCTAD secretariat in that work. UNCTAD's work on container terminal investment risks and the development of model guidelines for contracts between container terminal operators and users should prove to be further contributions to the development of equitable legal relationships in that area. He noted with satisfaction that the UNCTAD model contract guidelines would be brought into line with the legal régime that eventually emerged from UNCITRAL's work on the liability of operators of transport terminals.

42. The observer for the *International Chamber of Shipping* stated that since the secretariat report had been prepared, the volume of laid-up tonnage had continued to fall, freight rates had improved considerably and there was some optimism in the market. Moreover, the availability of finance and the excessive subsidizing of shipyards by certain Governments was now greatly reduced. To an extent, therefore, the finding in the secretariat report that the imbalance had not greatly diminished (see TD/B/C.4/312, para. 65) was a factual overstatement. Nevertheless, the underlying concern remained and the difficulty facing the Committee was whether any co-ordinated measures could be taken to prevent a recurrence of that deep-seated problem.

43. ICS was somewhat uneasy at the secretariat conclusion that there might be a need for much closer co-ordination of shipping and shipbuilding policy at national, regional and international levels; it questioned the closeness of the links between two very different industries in more normal times. As to the Hamburg Rules, ICS and carriers worldwide firmly believed that they did not attract the level of support necessary to make them a universally applicable liability régime. ICS disputed the view that they would provide such a harmonized régime; widespread ratification of the Hague/Visby régime was the route to adopt.

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[4] A/CN.9/298.

44. The observer for the *International Chamber of Commerce*, referring to the imbalance between supply and demand in world shipping, said that protectionist measures in general, including subsidies, had contributed more to the imbalance than was suggested in the secretariat's report (TD/B/C.4/312). However, it would not be appropriate to try to co-ordinate the shipping and shipbuilding industries as proposed, since the two were fundamentally different. The imbalance had already eased, and the key to achieving a satisfactory situation lay in the free play of market forces, without artificial external constraints.

45. ICC had made a number of specific recommendations at the Fifth ICC Shipping Conference, held at Bombay in February 1987. For example, shipowners should refrain from ordering new vessels unless absolutely necessary, and shipbuilders should recognize that subsidies aggravated the problem of excess capacity in shipyards. All the recommendations made at the Bombay Conference still remained valid.

46. The observer for the *Baltic and International Maritime Council* stated that the market situation of the maritime industries concerned BIMCO in its daily work, it being BIMCO's responsibility to ensure the well-being of its world-wide membership and to guide and prepare the members for future obstacles and anticipated difficulties for the continued healthy and appropriate development of the industry. BIMCO, as a non-political organization, had always sought to be pragmatic and in line with that, BIMCO felt that the task which the Committee had was to establish some generally accepted non-mandatory guidelines and principles for the shipping industry, for financing, for shipbuilding and perhaps for insurance, which were interrelated. All those involved should feel induced and, more importantly, morally obliged to accept, to follow and apply those guidelines usefully. The growth in trade had been insufficient to restore balance, but the fall in world tonnage was a step in the right direction and the reduction in shipbuilding capacity a necessity, although there was a need for retaining sufficient capacity, especially in specialized and technological expertise. Scrapping should be increased and shipowners should build only for demonstrated needs. High equity should be a prerequisite to financing newbuildings and bankers partaking in unreasonable risks should share the profits as well as losses.

47. He appealed for a responsible and constructive approach also in the context of the Hamburg Rules, which BIMCO felt should not have been on the agenda. It was not the right time to discuss a change in the liability régimes which would drastically change the rules by which the industry had lived for so many years. The pros and cons should be carefully evaluated before far-reaching conclusions were drawn.

48. The observer for the *Multiport Ship Agencies Network* said that his organization fully supported the draft minimum standards for shipping agents (see TD/B/C.4/314, part two, chap. II). He noted that the setting up of standards was not the end of the work. How to impose successful controls on the adherence to the standards was also most important, and the success or otherwise of that concept would be determined by the level of experience and practical knowledge of the controlling authorities.

49. His organization, and the other international professional organizations which also provided assistance in the preparation of the non-mandatory minimum standards, were willing to provide assistance to any country, area or port, in the practical application of those recommendations. He also found that establishment of regional professional associations of shipping agents would be an important, positive step.

50. The observer for the *International Association of Dry Bulk Shipowners*, noting that his was an organization of independent shipowners operating in the dry bulk trades whose members controlled about 11 per cent of dry bulk tonnage, stated that in its sector the problem of overcapacity was gradually being solved as a result of positive steps taken by shipowners, shipbuilders, finance houses and others. INTERCARGO believed that all action should be directed towards the elimination of protectionism, including subsidies coupled with a greater understanding between sectoral interests. On the question of legal régimes for the carriage of goods by sea, INTERCARGO supported maintaining the Hague Rules rather than propagating several competing régimes.

51. The observer for the *Federation of National Associations of Ship Brokers and Agents* stated that FONASBA supported the UNCTAD non-mandatory minimum standards for shipping agents, which were in harmony with the objectives of the Federation and for the benefit of the entire shipping community.

52. However, since the minimum standards were to serve as guidelines, they could be complemented by provisions taking account of national needs. In that respect, FONASBA suggested the possible inclusion of husbandry and ship-management services. It was vital that those who managed the vessels on behalf of shipowners should also be bound to be ethical, professionally trained and financially sound. Referring to article 4 (*b*) of the draft minimum standards, he observed that, in accordance with normal business practice, the exact connection between a firm and its insurers must be confidential as the knowledge that one party was insured might tempt an unscrupulous operator to try to take advantage, which would be detrimental to the ideas towards which participants were working.

53. The observer for the *Association of West European Shipbuilders* expressed his association's concern about the imbalances within world shipbuilding. He stressed the fact that since 1970, the share of Western Europe in world shipbuilding production had declined sharply while that of Japan and the Republic of Korea had either remained at the level of 1970 or had even increased. The announced capacity reductions in Japan were welcomed by AWES though seen as being relatively smaller than the reductions carried out in Western Europe. In his view a major reason for the overcapacity in shipping was the depressing development of international seaborne trade since the beginning of the 1970s. The continued expansion of shipbuilding capacity in some developing countries at a time when the requirement for such capacity was diminishing had also contributed to the current overcapacity. To a great ex-

tent support measures in Western Europe referred to in the UNCTAD report had been introduced in consequence of the very low newbuilding prices offered by yards in most parts of the world, including the Far East. The problems of overcapacity within shipbuilding could not be solved unless all major shipbuilding countries played an active part. The further reduction of capacities was essential for improvement of the market, and thus for more progress in the harmonization of shipbuilding policies of the main shipbuilding countries.

54. The observer for the *European Shippers' Council*, speaking on behalf also of the Australian Shippers' Council, the Canadian Shippers' Council, and the United States Shippers' National Freight Claims Council, which was authorized to speak on behalf of the 17 organizations comprising the United States Carmack-Hamburg Alliance, said that those Councils represented shippers accounting for over 50 per cent by value of world trade. He recalled that, together with other shipper interests accounting in total for over 63 per cent by value of world trade, thousands had pledged their strong support for a rapid implementation of the Hamburg Rules worldwide coupled with elimination of the existing Hague and Hague/Visby Rules, with the intention that within a scale of 5 to 10 years there should be only one régime in force governing international carriage by sea and that régime should be the Hamburg Rules. Shipper support for the Hamburg Rules had since been further increased by the formation of the World Shippers' Councils for Hamburg Alliance, as well as the resolution by the Federation of ASEAN Shippers' Councils, recommending that its member Councils should take steps for the early ratification of the Hamburg Rules by their Governments.

55. He listed a series of aspects of the Hague/Visby régime which were regarded as sufficiently important to rule out that régime as an effective instrument of international trade for the late twentieth century. Active support was expressed by the organizations he represented for a rapid implementation of the Hamburg Rules as they offered an immediate solution to the key problems which the Hague/Visby Rules were incapable of addressing.

56. Shippers remained convinced that the arguments raised against the Hamburg Rules were more emotional than real and stemmed primarily from third parties having interest only in the controversial arrangement between shippers and carriers, such as insurers and admiralty lawyers. Shippers therefore remained convinced that a smooth transition from the current fragmented maritime régime to a uniform world system based on the Hamburg Rules, could be achieved. It would therefore seem sensible to agree to concerted action now to implement the Hamburg Rules in a positive move to achieve uniformity.

57. The observer for the *Institute of International Container Lessors* said that his organization's objectives consisted principally in representing and promoting the international container and chassis leasing industry and in assisting in that respect both lessors and lessees of container equipment.

58. Furthermore, IICL published manuals on inspection and repair of containers, as well as other materials, such as "A Guide for Container Depot Evaluation".

59. Supplementing the secretariat's report on advantages and disadvantages of container leasing (TD/B/C.4/314, paras. 37-55), which he described as well-balanced and fairly comprehensive, he pointed out that the leasing industry had developed highly competent purchasing, inspecting, repairing and repositioning container services, which were found by shipping lines as commercially advantageous, particularly under some specific circumstances.

60. IICL was interested in co-operating with UNCTAD with a view to evaluating further the implications of container leasing, especially with regard to developing countries. In his opinion, the concept and operational aspects of the container leasing industry needed better introduction into the transport industries of developing countries.

61. The *Director of the Shipping Division* reviewed the secretariat's work since the previous session and commented on the proposals made to the Committee regarding the future work programme of the secretariat, with particular focus on the long-term future.

62. The main issue before the Committee was that of imbalance between supply and demand, which should be seen against the background of overall developments in world shipping. Information on those developments was presented in the *Review of Maritime Transport, 1986* (TD/B/C.4/309).

63. The report on imbalance (TD/B/C.4/312[5] and Add.1) provided an updated analysis to the earlier report, submitted at the twelfth session.[6] The report considered that no substantial increases in demand should be expected in the foreseeable future (TD/B/C.4/312, para. 68), which put a heavy burden for adjustments on the supply side. The overall picture which emerged from the report was that two overriding characteristics of world shipping as well as shipbuilding currently were: large amounts of excess capacity in most sectors; and increasing degrees of protectionism and distortion of competition.

64. The Committee might wish to request the UNCTAD secretariat to continue to monitor developments in world shipping and shipbuilding, with particular reference to the imbalance and report thereon to the Committee at its fourteenth session.

65. He reported to the Committee on the imminent start-up of the Maritime Fraud Prevention Exchange founded by BIMCO, ICC and Lloyds of London Press. Since that initiative, UNCTAD had gone further in its efforts to implement the recommendations of the *Ad Hoc* Intergovernmental Group to Consider Means of Combating all Aspects of Maritime Fraud, including Piracy[7] by establishing, again with the active participation of the industry, a draft set of minimum standards for shipping agents, covering professional conduct, education and professional expertise as well as financial standards based on existing requirements of national professional associations.

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[5] See note 2.

[6] TD/B/C.4/301 and Corr.2.

[7] See TD/B/C.4/296.

66. Regarding ports, the secretariat had adapted its work programme according to the recommendation made by the *Ad Hoc* Intergovernmental Group of Port Experts which met in 1986,[a] and pursuant to Committee resolution 60 (XII) of 21 November 1986. Three priority research studies were currently being carried out, namely: problems arising in the setting up of transshipment facilities in developing countries; data processing in port operations and documentation; and, thirdly, maintenance of port equipment—the latter being a joint exercise with the World Bank. A full report on those activities would be submitted at the next session of the *Ad Hoc* Intergovernmental Group of Port Experts. The Committee might also consider convening the *Ad Hoc* Intergovernmental Group shortly before the fourteenth session to enable the Group's report to be submitted in time and to enable the secretariat to prepare a report on recommendations for future work in the area of ports. It was suggested that the Committee should establish the future terms of reference of the Group based on the aforementioned priorities and should also decide when its next session should take place.

67. The technical assistance and training provided by the secretariat had increased since the twelfth session of the Committee. Thanks to the continuous support of UNDP and generous contributions from donor countries, the volume had gone from $2.1 million in 1985 to $2.5 million in 1986, a major part representing training activities, mostly in the field, through the execution of two large-scale training programmes: Improving Port Performance and TRAINMAR. More than 5,000 participants had followed the TRAINMAR course through 23 centres which co-operated with each other. The secretariat had fully responded to the requirements of UNDP by assigning staff to the TRAINMAR team in view of the importance of the project to developing countries and of earlier requests by the Committee.

[a] TD/B/C.4/298.

Chapter I

IMBALANCE BETWEEN SUPPLY AND DEMAND

(Agenda item 3)

Consideration in Sessional Committee I

68. The representative of *Japan*, responding to the statement made in plenary meeting by the observer for a non-governmental organization, described a number of policy measures taken by his Government in order to overcome the current difficulties in shipping and shipbuilding. With regard to shipping, the Government of Japan had introduced a new policy scheme which was aimed at giving financial assistance to shipowners in scrapping of surplus tonnage in order to restore a healthier balance between supply and demand in world shipping. As a result, the volume of scrapped Japanese ships in 1986 had been nearly twice as much as that in 1985. That high rate of scrapping of Japanese vessels had continued in 1987. On the other hand, with regard to shipbuilding, the Government of Japan had taken a new initiative since 1986 to reduce its shipbuilding capacity by 20 per cent by the end of March 1988, in order to cope with shipbuilding overcapacity. That had been done in addition to the policy measure aiming to reduce it by 35 per cent in 1980. As a result, the shipbuilding capacity in Japan would be reduced by more than 50 per cent through the initiative taken by the Government over the past decade. In his opinion, that policy initiative had contributed considerably to easing the current difficult situation caused by the imbalance of supply and demand in world shipping and shipbuilding.

69. The representative of *Spain* also outlined the practical measures taken by his Government to promote scrapping and to reduce its shipbuilding capacity in order to contribute to the achievement of a more balanced situation in world shipping and shipbuilding.

70. The spokesman for *Group B* (United States of America) and the representative of *France* said that in their view some parts of TD/B/C.4/312 needed to be corrected or brought up to date. They would be submitting the necessary amendments to the secretariat.[9]

71. The spokesman for *Group B* (United States of America) noted that the *Review of Maritime Transport, 1986* (TD/B/C.4/309), indicated that developing countries had significantly increased their share of the world fleet to the 20 per cent target set in the International Development Strategy for the Third United Nations Development Decade.[10] He acknowledged, however, that the structure of the developing-country fleet could be improved. Referring to the report entitled "Imbalance between supply and demand in world shipping" (TD/B/C.4/312[11] and Add.1), he acknowledged that there was a relationship between shipping overcapacity and shipbuilding. He felt, however, that the report had severe deficiencies which included: (*a*) an insufficient treatment of tax incentives; (*b*) no analysis of the role of protectionist measures; (*c*) a lack of analysis on the role of financial institutions; (*d*) no reference to the role of State trading countries; and (*e*) no mention of the role of the Republic of Korea as a price-leader in the world shipbuilding industry.

72. The representative of the *Republic of Korea*, responding to the statement made in plenary meeting by the observer for a non-governmental organization, pointed out that his country also suffered from the current imbalance in shipping. His Government had taken measures to reduce the tonnage of the national fleet and the reduction had totalled approximately 2 million gross tons in the past four years, largely through support of ship scrapping. The nature of the shipbuilding industry was different from the shipping industry and different factors must be taken into account. His Government's policy was to let the private sector operate in a fair and orderly manner on the basis of market mechanisms. He stated that his country was ready to make concerted efforts in order to seek a solution to the current imbalance in world shipping.

73. The spokesman for *Group D* (Union of Soviet Socialist Republics) commended the documents prepared by the secretariat. However, he drew attention to some shortcomings in TD/B/C.4/312.[12] In particular, table 8 overestimated shipbuilding capacities as they also included construction of fishing vessels and ships used for carriage of cargo between national ports. He suggested that the secretariat, in preparing such information, should consult with the countries in question rather than rely on unofficial information. In that way, the data presented in the secretariat's reports would better reflect the existing situation of imbalance.

74. The *Director of the Shipping Division* said that the secretariat would take into consideration the comments made by delegations in order to improve the quality of its reports. The secretariat tried to make its reports to the Committee as complete as possible. For that purpose, the secretariat had used two sources: information obtained from Governments and information contained in other available publications. Full information on the sources was always shown. Unfortunately, the information received from Governments had been incomplete. He therefore appealed to del-

[9] See note 2.

[10] General Assembly resolution 35/56 of 5 December 1980, annex.

[11] See note 2.

[12] *Idem.*

egations to give greater assistance to the secretariat in obtaining the necessary information.

75. The spokesman for the *Group of 77* (Mexico) expressed his Group's general satisfaction with the documentation prepared by the UNCTAD secretariat but noted a few factual errors in table 11 of TD/B/C.4/312,[11] which related to subsidy programmes by the Governments of two developing countries. He noted also that paragraph 88, recommendation (*c*), would give the UNCTAD secretariat the mandate to prepare a draft text of a "common measure of understanding" to deal solely with the imbalance situation. He felt that the work should reflect the differences in economic development between regional groups and also take into account the ownership of the more technically advanced vessels, the average age of the world fleet by country groups, shares of world trade *vis-à-vis* fleet ownership and the need for preferential treatment for developing countries.

76. The representative of *China* noted that the situation in world shipping was still difficult. Although there were also some signs of improvement, the surplus tonnage remained one of the main factors in shipping. He felt that there were many factors resulting in that difficult situation and that questions raised by the Group of 77 should be discussed in detail. In his opinion, the general recession in the world economy had been the main cause of the current imbalance in world shipping. However, he believed that the outcome of the current session of the Committee and measures taken by Governments would help to solve the problem of imbalance.

77. The representative of *Morocco* noted that decreased freight rates were not beneficial to developing countries' national fleets. In fact, Moroccan shipowners had been forced to sell a number of ships and the current imbalance problem created great difficulties for developing countries. As for the link between shipping and shipbuilding, he said there was a need for an agreement concerning both industries so as to promote an orderly development of maritime transport. In that respect he requested the UNCTAD secretariat to continue its study of the problem.

78. The spokesman for *Group B* (United States of America) questioned the need for a "common measure of understanding" and the authority or competence of the Committee to deal with shipbuilding.

79. The observer for the *Association of West European Shipbuilders*, clarifying his statement in plenary meeting, said he had no intention of saying that Japan especially was quoting very low shipbuilding prices. He had only wanted to note that shipbuilding on the whole was a low-profit industry.

80. The spokesman for *Group D* (Union of Soviet Socialist Republics) recalled that, in its opening statement in plenary meeting, his Group had already supported the proposal made by the secretariat to prepare a draft text for a "common measure of understanding on shipping and shipbuilding questions". In that connection, he supported proposals made by the secretariat in TD/B/C.4/312, paragraph 88. However, he felt there were several additional factors to be taken into account in the preparation of the above-mentioned draft text. Prolonged overcapacity had affected practically all sectors of world shipping as well as all countries and interests involved in seaborne trade. The overcapacity in liner shipping was especially noteworthy since it led to serious repercussions in various sectors, thus undermining the ability of shipping lines, particularly of developing countries, to adapt and modernize their fleets. Overcapacity caused fierce competition and increasing protectionism. There was a danger that the ability of internationally agreed instruments, such as the United Nations Convention on a Code of Conduct for Liner Conferences, to assist developing countries' shipping was diminishing. It might therefore be useful to try to create policies and principles aimed at reducing the gap between supply and demand, not only on a national and regional basis, but on a global, international basis. It was a very important fact that overcapacity in shipping and overcapacity in shipbuilding were closely related. A single solution for the shipping industry was not possible. As long as substantial overcapacity in shipbuilding remained, there would be a reason for prolonged and new overcapacity in shipping. It was essential therefore to deal with both industries, bearing in mind their different natures. As stated in TD/B/C.4/312 (para. 67), world shipbuilding policy should be dealt with to the extent that it affected overcapacity in shipping. Orders for new ships should be placed taking into consideration the adequacy of national and international demand in maritime transport.

81. He noted with concern the increase of open-registry fleets and the fact that registers of new types had recently appeared. That was a clear contradiction of the general aim of the negotiations which had taken place for more than 10 years on the subject. Open-registry practice remained one of the elements which caused instability and speculation and increased the gap between the supply and demand. A "common measure of understanding", therefore, should also deal with that question. As the secretariat report on agenda item 3 stated that direct and indirect subsidies had been the main cause of the current imbalance between supply and demand in shipping and shipbuilding (TD/B/C.4/312, para. 76), Group D was of the opinion that that problem should also be reflected in developing principles for a "common measure of understanding".

82. Referring to the so-called concept of co-ordinated action and co-ordinated response mentioned in the *Review of Maritime Transport, 1986*, paragraphs 135 to 139, he stressed that, for the normal functioning and orderly development of world shipping, a unilateral attitude to the global problems of international shipping should be avoided. He expressed concern that some groups of countries prepared principles and took measures in order to impose their opinion about international order in world shipping on the international shipping community. It would be desirable to accept the principle that decisions on problems of international shipping should be based on global consultations and broad agreement among all groups of countries. In his opinion, UNCTAD was the forum for fulfilment of that task.

[11] *Idem.*

83. The spokesman for the *Group of 77* (Mexico), elaborating on his earlier statement on the item, emphasized that developing countries were not responsible for the global imbalance because their participation in the trade generated by them was quite small. The right to participation had been recognized by the principles enshrined in the United Nations Convention on a Code of Conduct for Liner Conferences. Implicit in those principles was a similar right to extend economic activity into shipbuilding and related maritime activities. Against that background, he said that the UNCTAD secretariat should be entrusted with the drawing up of a memorandum of understanding that would include, *inter alia*, an analysis of ownership of high-technology vessels and the need for preferential treatment for developing countries.

84. In response, the spokesman for *Group B* (United States of America) emphasized that the debate needed to focus on oversupply and not ownership, and he questioned the appropriateness of introducing trade participation issues which would be covered during the Review Conference on the Convention on a Code of Conduct in October 1988.

85. The representative of *Sri Lanka* supported the need for orderly development of world shipping and pointed out that there was an essential linkage between cargo generation and fleet size. That linkage should not be rigid, in his opinion, but it was important to the interests of all country groups because it would discourage speculative ship investments, avoid the waste of resources and enable world trade to expand.

86. The representative of *Liberia*, referring in particular to the addendum to the *Review of Maritime Transport, 1986*, entitled "Beneficial ownership of open-registry fleets" (TD/B/C.4/309/Add.1), recalled that for many years the UNCTAD secretariat had undertaken several studies and compiled and analysed vast amounts of data on so-called "open registries", which had greatly assisted the secretariat in drawing up the principles which had led to the adoption of the United Nations Convention on Conditions for Registration of Ships in 1986. His delegation was of the view—a view which he felt sure was shared by several other delegations—that the 1986 Convention adequately prescribed the rules of behaviour for merchant vessel registration on a world-wide basis. Furthermore, he pointed out that UNCTAD had never defined the scope and meaning of the term "open registry". For those and other reasons, the Liberian delegation called on the UNCTAD secretariat to discontinue the publication of statistical data on beneficiary ownership of open registries in the annual *Review of Maritime Transport* since the 1986 Convention was broad enough in scope to cover ship registration matters to the satisfaction of the international shipping community.

87. At the 5th meeting of Sessional Committee I, on 18 March 1988, the spokesman for *Group B* (United States of America) introduced a draft resolution on agenda item 3 which his delegation had submitted on behalf of the States members of Group B (TD/B/C.4(XIII)/SC.1/L.2).

88. At the same meeting, the spokesman for the *Group of 77* (Mexico) introduced a draft resolution on agenda item 3 which his delegation had submitted on behalf of the States members of the Group of 77 (TD/B/C.4(XIII)/SC.1/L.4).

89. Subsequently, two proposals relating to draft resolution TD/B/C.4(XIII)/SC.1/L.4 were submitted by the delegation of the Union of Soviet Socialist Republics on behalf of the States members of Group D (TD/B/C.4(XIII)/SC.1/L.8 and L.9).

Action by Sessional Committee I

90. At its 6th (closing) meeting, on 22 March 1988, the Sessional Committee approved the draft resolution on agenda item 3 submitted by the Chairman of Sessional Committee I (TD/B/C.4(XIII)/SC.1/L.10), and recommended it for adoption by the Committee on Shipping.

91. At the same meeting, draft resolutions TD/B/C.4(XIII)/SC.1/L.2 and L.4 were withdrawn by their sponsors.

Action by the Committee

92. At its 153rd meeting, on 22 March 1988, the Committee on Shipping adopted draft resolution TD/B/C.4(XIII)/SC.1/L.10, recommended to it by Sessional Committee I, (see annex I below, resolution 62 (XIII)).

Chapter II

OTHER SIGNIFICANT ISSUES IN WORLD SHIPPING

(Agenda item 4)

A. — Ocean freight rates and their effects on exports of developing countries

93. The spokesman for the *Group of 77* (Mexico) praised the documents prepared by the secretariat on that question, but, he felt that some supplementary analyses would be needed. He pointed out the importance of creating effective mechanisms for consultations among producers in developing countries. He noted that commodity prices were at a low point. Non-conference carriers were diverting large volumes of commodity cargoes away from developing-country conference operators. Furthermore, although non-conference carriers were permitted under the United Nations Convention on a Code of Conduct for Liner Conferences, the net result was a diminishing cargo base for the merchant fleets of developing countries.

94. The spokesman for *Group B* (United States of America) considered that the low level of commodity prices was not related to freight rates and that the question of the Code of Conduct was not a topic for discussion at the current session of the Committee. With regard to part I of TD/B/C.4/313, he commented that the analysis therein, which emphasized the importance of freight rates, would be valid only if all other factors determining the demand for commodities were the same. In the real world, all factors were not the same and therefore the impact of freight rates on developing-country exports could not be considered in isolation. Finally, although he acknowledged the interests of developing countries in the development of co-operation among producers in developing countries, he feared that that co-operation might develop into an export cartel, which would be viewed with alarm by his Group.

95. The spokesman for *Group D* (Union of Soviet Socialist Republics), noted that the study of the mechanism of changes in the volume and structure of commodities exported from developing countries to developed market-economy countries in connection with the level of freight rates was of significant importance for developing countries, as it could help to determine more accurately the efficiency of their exports and imports, taking into consideration the strategy of their economic development. However, regarding the studies proposed by the secretariat in TD/B/C.4/313, paragraph 18, he doubted whether they could have much practical usefulness as they could hardly take into account the current situation in shipping.

B. — Economic and commercial implications of the entering into force of the Hamburg Rules and the United Nations Convention on International Multimodal Transport of Goods

96. The spokesman for the *Group of 77* (Mexico) recalled the very interesting and positive remarks on the Hamburg Rules made by the representatives of UNCITRAL and the European Shippers' Councils in their statements (see above, paras. 40-41 and 54-56, respectively). In his view the Hague Rules did not correspond to the new transport modes—a view which he illustrated by the example of what happened when a container fell off the hook of a crane.

97. The spokesman for *Group B* (United States of America) recalled that the Committee on Shipping had asked the secretariat (resolution 55 (XI)) to submit a report on the economic and commercial implications of the Hamburg Rules. In the opinion of his Group, those implications had not been covered in TD/B/C.4/313. He recognized that it might not be possible for the secretariat to find what the economic and commercial consequences of the Hamburg Rules would be, but in that case he felt that the secretariat should say so. The report in part II of TD/B/C.4/313 was certainly not what Group B had expected. He believed that States would or would not become contracting parties to the Hamburg Rules and the Convention on multimodal transport regardless of the discussions in the Committee.

98. The representative of *China*, in comparing the Hague Rules with the Hamburg Rules, found that the Hamburg Rules were better for both shippers and carriers in that they struck a better balance between the liability of shippers and that of carriers. For various reasons, China had not yet acceded to the Convention but it was engaged in active preparations, and he hoped that it would soon come into force.

99. The spokesman for *Group D* (Union of Soviet Socialist Republics) said that his Group would not object to a call by the Committee for States to ratify the Hamburg Rules and the Convention on multimodal transport.

100. The representative of *Morocco* stated that his country had not only ratified the Hamburg Rules but had also integrated the Rules in its new maritime legislation. Shipowners, shippers and insurers in Morocco were agreed that there were obvious merits in the Hamburg Rules. They strongly believed that the Hague

Rules were no longer adapted to modern transport needs and that the Hamburg Rules were the answer.

101. The observer for the *European Shippers' Councils* made the following three points:

(*a*) Economic factors alone should never prevent the institution of a more equitable distribution of risks;

(*b*) He felt that it was the duty of providers of services to listen to their customers' wishes. He wondered why it was that shipowners did not do so, since it was the customer who paid for the freight;

(*c*) He noted that the arguments concerning the economic and commercial consequences of the coming into force of the Hamburg Rules were fairly well balanced in the secretariat's report. However, he felt that the corresponding value of trade should be considered. In many countries the value to the national economy of exports and imports was 50 times greater than the earnings of the shipowners. In other words, the national interests of most countries would lie with the shippers and consignees rather than with the carriers.

102. The spokesman for the *Group of 77* (Mexico) recalled that a full debate had been held on the subject long ago and that the Committee on Shipping had been involved in the Hamburg Rules at their inception. If countries had agreed to negotiate a new convention, it must have been because they had agreed in principle on the need for it. Consequently, he did not feel there was any point in discussing the advantages or disadvantages of the Convention. As for the secretariat's report, he felt that the secretariat had been timid in its approach. The Committee wanted an economic assessment of the entry into force of the Hamburg Rules and he did not think the report went far enough. For example, the report did not state where the various liability boundaries lay and left room for an extended and strengthened analysis of that aspect. He suggested that the secretariat, in preparing a document on the matter, should also conduct study groups or workshops in developing countries to make them aware of the consequences of becoming contracting parties to the Convention.

C. — Economic co-operation between developing countries in the area of shipping, ports and multimodal transport

103. The spokesman for the *Group of 77* (Mexico) stressed the importance of ECDC as an indispensable means of promoting economic development in general and shipping and related industries in particular. In order to improve the role played by ECDC, he requested the continuation of the work on the subject initiated at the twelfth session of the Committee and at the first session of the *Ad Hoc* Intergovernmental Group of Senior Officials on Co-operation among Developing Countries in Shipping, Ports and Multimodal Transport, held in September 1987. To define and implement programmes of co-operation effectively, he requested that the secretariat provide the necessary mechanisms to co-ordinate and promote ECDC activities. In addition, his Group saw the need to reconvene the *Ad Hoc* Intergovernmental Group of Senior Officials.

104. The spokesman for *Group B* (United States of America), in recalling the purpose and the mandate of the *Ad Hoc* Intergovernmental Group, said it was difficult for Group B to agree to reconvene the *Ad Hoc* Group. Group B would require some positive assurance of the likelihood of obtaining tangible results before being able to give a new mandate to the *Ad Hoc* Group.

105. The representative of *China* expressed his country's full support for the concept of ECDC in shipping, ports and multimodal transport. He supported the suggestion of the Group of 77 that the UNCTAD secretariat should strengthen its role in co-ordinating co-operative efforts and that the *Ad Hoc* Intergovernmental Group should be reconvened.

106. In reply to the statement by the spokesman for Group B, the spokesman for the *Group of 77* (Mexico) affirmed that the first session of the *Ad Hoc* Intergovernmental Group could reasonably have been expected only to set up the necessary machinery for the promotion of ECDC, which was a basic prerequisite for the attainment of tangible results. He called on the spokesman for Group B to give a clear indication of his Group's position with regard to ECDC and, with regard to his Group's proposal, to give a clear mandate to the UNCTAD secretariat to co-ordinate ECDC activities.

107. At the 5th meeting of Sessional Committee I, on 18 March 1988, the spokesman for *Group B* (United States of America) introduced a draft resolution on ECDC which his delegation had submitted on behalf of the States members of Group B (TD/B/C.4(XIII)/SC.1/L.3).

108. At the same meeting, the spokesman for the *Group of 77* (Mexico) introduced a draft resolution on ocean freight rates (TD/B/C.4(XIII)/SC.1/L.5), a draft resolution on the Hamburg Rules and the Convention on multimodal transport (TD/B/C.4(XIII)/SC.1/L.6), and a draft decision on ECDC (TD/B/C.4(XIII)/SC.1/L.7), all of which had been submitted by his delegation on behalf of the States members of the Group of 77.

Action by Sessional Committee I

109. At its 6th (closing) meeting, on 22 March 1988, Sessional Committee I took the following action on agenda item 4:

(*a*) It noted that the text of a draft decision on ocean freight rates and their effects on exports of developing countries, which had been agreed upon in informal consultations on the basis of the TD/B/C.4(XIII)/SC.1/L.5, had been remitted by decision of the Bureau of Sessional Committee II for inclusion in a draft resolution to be prepared by that Committee (see para. 139 below);

(*b*) It noted that the question of economic and commercial implications of the entering into force of the Hamburg Rules and the Convention on multimodal transport, together with draft resolution TD/B/C.4(XIII)/SC.1/L.6, had been remitted by decision of the Bureau to Sessional Committee II for further consideration (see para. 139 below);

(*c*) It approved the draft decision on ECDC submitted by the Chairman of Sessional Committee I (TD/B/

C.4(XIII)/SC.1/L.11) and recommended it for adoption by the Committee on Shipping.

Draft resolution TD/B/C.4(XIII)/SC.1/L.3 and draft decision TD/B/C.4(XIII)/SC.1/L.7 were withdrawn by their sponsors.

Action by the Committee

110. At its 153rd meeting, on 22 March 1988, the Committee on Shipping adopted draft decision TD/B/C.4(XIII)/SC.1/L.11, recommended by Sessional Committee I (see annex I below, decision 63 (XIII)).

Chapter III

WORK PROGRAMME

(Agenda item 5)

A. — Multimodal transport

(i) *Multimodal container tariff rules and reference library*

Consideration in Sessional Committee II

111. All groups and China recognized the useful work carried out by the Group of Experts to Develop and Recommend Model Rules for Multimodal Container Tariffs. The spokesman for *Group B* (Netherlands) questioned the need for Governments to make use of such model rules; Governments had no role to play since consultations were held between the shippers and the shipping companies. Concerning the operation of a reference library on tariffs, all groups and China agreed on the usefulness of that activity and supported the development of such a library. However, the spokesman for *Group B* raised the question of the extra funding involved in its establishment. The *Deputy Director of the Shipping Division* recalled that tariff rules for the reference library had already been collected and stored manually, but that modern techniques would be required for easy compilation and distribution of the information. Although it was difficult to estimate the amount of secretarial support necessary to computerize that information, such support would involve a modest financial implication which could be covered within existing resources. In the use of the library, confidentiality of the source of the information would be guaranteed.

(ii) *Recent developments in container standards*

112. The spokesman for *Group B* (Netherlands) agreed that developing countries' participation at ISO meetings had not been strong but considered that the plan of action to increase the awareness of developing countries of the technical and commercial consequences of changes in container standards (TD/B/C.4/314 and Corr.1, para. 30), was not enough and, in the opinion of Group B, not the most appropriate way to have the concerns of the developing countries heard.

113. The spokesman for the *Group of 77* (Cameroon) expressed concern at the development of new dimensions and ratings of containers which would affect the countries of his Group. Given their limited resources, they could not afford the changes in infrastructure required by the new standards. Owing to travel expenses, developing countries could not participate regularly in ISO Technical Committee 104 (TC 104) dealing with container standards. His Group wished to be better informed on the activities of that committee and better represented at its meetings through an organization which would represent their interests. He suggested that UNCTAD could act as a liaison between ISO and developing countries. The spokesman for *Group D* (German Democratic Republic) felt that the proposed plan of action would be a way to solve or at least minimize the problem. The representative of *China* emphasized the need to obtain updated information on the proposed changes in standards by the ISO TC 104 and the necessity of drawing the attention of TC 104 to the consequences of its decisions. A *representative of the Shipping Division* underlined that the proposed new container standards would have very serious consequences for the infrastructure and the industry as a whole. He recalled resolution 71 of ISO TC 104, which stated that any revision of the ISO Standard 668 "Dimensions and ratings" should preferably be made only at the end of each five-year period after its previous revision, and ISO Council resolution 22/1473, which stated that the widest possible consultation should be permitted on the proposals concerning the revision of ISO Standard 668.

114. The *Chairman* stated that more active participation of developing countries in the work of ISO was necessary and that the secretariat should be asked to elaborate a plan of action to monitor closely developments on container standards within ISO and report to developing countries.

(iii) *Activities of other institutions in multimodal transport*

115. The spokesman for *Group B* stated that it would be unwise not to monitor the activities of other institutions although there seemed to be no overlap between organizations at the moment. The spokesman for the *Group of 77* said that monitoring should be done from time to time, over a longer time span. The spokesman for *Group D* agreed with the secretariat's suggestion to suspend the review until further notice. The representative of *China* said that such a review should continue in the future. The *Deputy Director of the Shipping Division* mentioned that the actual mandate implied a continuous and regular review process which consumed secretariat resources and asked the Committee to reformulate the mandate precisely.

116. The *Chairman* noted that there was some consensus to exclude the possibility of duplication of activities in the field of multimodal transport and technological development.

(iv) *Advantages and disadvantages of container leasing*

117. The observer for the *Institute of International Container Lessors* expressed his organization's interest in co-operating with UNCTAD in the promotion of container leasing in developing countries. The spokesman for *Group B* recognized that container leasing was important for developed as well as developing countries and that its advantages and disadvantages could only be assessed in relation to specific situations. The spokesman for the *Group of 77* asked for more information about the disadvantages of container leasing. The representative of *China* suggested that more analysis should be made on the problems incurred with container leasing and suggested that a report on the disadvantages of container leasing be prepared for the next session. The *representative of the Shipping Division* recalled that the aim of the report was to give a better understanding of container leasing for the transport industries of developing countries. He underlined that no general recommendation could be made on whether to own or to lease containers as it depended on specific circumstances faced by companies and that the optimum balance was often a mixture of both. The analysis of such balance could be the subject of training workshops. In reply to the question raised by the spokesman for the Group of 77 and the representative of China, he mentioned some additional disadvantages to those listed in the report, and said that as that issue depended too much on specific conditions, further general analysis would not be suitable. The *Deputy Director of the Shipping Division* said that training workshops on container leasing could be organized, on a regional basis, with the co-operation of professional organizations such as IICL.

(v) *Commercial risk factor in container terminal management*

118. The spokesman for *Group B* said that his Group did not support the need for model contract clauses between terminal operators and shipping companies, as suggested in the report, which emphasized only the relationship between the terminal operator and the shipping companies, without giving consideration to the shipper. His Group opposed the publication, in booklet form, of the major findings of UNCTAD/ST/SHIP/6[14] and UNCTAD/ST/SHIP/12, considering that those documents had so far been issued only in English. The spokesman for the *Group of 77* stated the importance of the issue for developing countries. His Group wished to give the secretariat a mandate for further research. The spokesman for *Group D* said that the reports contained helpful material for all container terminal operators and supported the secretariat suggestion for their publication. The representative of *China* expressed China's interest in having model rules on rights and duties of container terminal operators. The *Deputy Director of the Shipping Division* underlined that the documents were designed (*a*) to complement the ongoing legal work performed by UNCITRAL in the preparation of a convention on the liability of operators of transport terminals with commercial elements; and (*b*) to meet the need to inform developing countries on the risks of over-investment in a situation where many ports were competing in the same range. The spokesman for *Group B* mentioned that regional co-operation could reduce competition between ports and that such an idea could be discussed further. The *Deputy Director of the Shipping Division* suggested that the Committee could give a mandate to the secretariat to study the commercial and financial implications of over-investment in the development of container terminals and to suggest a scheme for subregional co-operation on that issue.

[14] Report by the UNCTAD secretariat entitled "Rights and duties of container terminal operators and users".

B. — Maritime legislation

(i) *Maritime Fraud Prevention Exchange: progress report*

119. The spokesman for *Group B* noted the good innovative co-operation between UNCTAD and the industry in the establishment of the MFPE. He welcomed the establishment of the MFPE as dissemination of information as well as education was crucial and essential to combat maritime fraud. As to the structure of the MFPE, he said that although he welcomed the idea of establishing an Advisory Board, he expressed doubt on the inclusion of the Board of Management, which comprised the founder members, as part of the Advisory Board. He requested the founder members through the UNCTAD secretariat to reconsider the matter. Referring to paragraph 95 of TD/B/C.4/314 and Corr.1, he said that he was aware of some countries being asked for financial backing, which was contrary to his understanding that the private sector would support the MFPE financially.

120. The representative of *China* fully supported the establishment of the MFPE and asked whether a booklet could be published on how to utilize its services. He expressed concern at the financial implications, which might delay the initial operation.

121. The spokesman for *Group D* said that the establishment of the MFPE was a positive step. He welcomed its early coming into operation and requested the UNCTAD secretariat to submit a progress report at the next session.

122. The spokesman for the *Group of 77* fully supported the work achieved on the prevention of maritime fraud through the establishment of the MFPE. With regard to the composition of the Advisory Board which currently included the Board of Management, he stated that further consideration was necessary. He understood that the financial implications would be minor relative to potential saving from reducing maritime fraud.

123. Replying to questions on the financial implications, a *representative of the UNCTAD secretariat* said that financial backing would be necessary only for the interim period, thus when it became fully operational, there would be no need for financial backing. With regard to the composition of the Advisory Board,

he said that the UNCTAD secretariat, upon the request of the Committee, would convey concern to the founder members.

(ii) *Comparative study of standards applied to shipping agents: draft minimum standards*

124. The spokesman for *Group B* fully subscribed to the report and the draft minimum standards and appreciated the work by the UNCTAD secretariat in collaboration. Referring to paragraph 158 (iv) of TD/B/C.4/314 and Corr.1, he raised the question of governmental involvement in implementation. In his view, it should be left to each Government whether regulatory measures were required or not, since the draft minimum standards were non-mandatory. As Group B was of the opinion that it should be left to the private sector, he could not support any recommendation to Governments for its implementation.

125. The spokesman for the *Group of 77* fully endorsed the report and the draft minimum standards. He indicated his particular interest in paragraph 159, which described assistance to developing countries in the implementation of the proposals contained in paragraph 158.

126. The spokesman for *Group D* fully approved the report and the draft minimum standards, which would provide a greater uniformity and transparency in that field. Referring to paragraph 158, he said he could fully accept the proposals.

127. The representative of *China* said that the draft minimum standards were very useful to his country. Enhancing the standards of shipping agents throughout the world would be beneficial to the world shipping industry.

(iii) *Sea waybills: progress report*

128. The spokesmen for *Group B, Group D* and the *Group of 77* and the representative of *China* all indicated support for the UNCTAD secretariat to continue monitoring further developments in that area and report to the Committee at the next session, on the progress made by the relevant international organizations.

129. The *Chairman* concluded that there was general agreement as to the usefulness of the work and that the UNCTAD secretariat should continue its monitoring activities.

(iv) *Joint Intergovernmental Group of Experts on Maritime Liens and Mortgages and Related Subjects*

130. *Group B, Group D*, and *Group of 77* and *China* appreciated the good example of co-operation between UNCTAD and IMO and the progress made by the Joint Intergovernmental Group and requested the UNCTAD secretariat to keep the Committee informed of the subsequent progress.

131. The *Chairman* noted that there was general agreement.

(v) *Treatment of merchant vessels in ports at the regional level*

132. The spokesman for *Group B* said that under the Memorandum of Understanding on Port State Control, port States could inspect certificates of ships relevant for the purposes of the Memorandum. Port States could also detain the vessel if it did not meet the international standards laid down by the relevant international conventions until the deficiencies were rectified. He suggested that those who experienced problems could inform either the UNCTAD secretariat or the secretariat of the Memorandum of such problems and proposed the deletion of the subject from the work programme.

133. The spokesman for the *Group of 77* said that, in view of the importance of the matter, the secretariat should continue the investigation of the subject.

134. The representative of *China* stated that he fully approved the report and requested the secretariat to continue the investigation.

C. — Ports

135. The *Chairman* recalled the progress report by the Director of the Shipping Division in plenary meeting on the subject. The spokesman for *Group B* was grateful for the secretariat's report and noted that, according to Committee resolution 60 (XII) of 21 November 1986, the *Ad Hoc* Intergovernmental Group of Port Experts should be convened after the fourteenth session. A *representative of the UNCTAD secretariat* noted that, at the time of the adoption of that resolution, there had been some confusion as to the session at which the Committee would establish the terms of reference. The research studies would be completed in 1988 and the *Ad Hoc* Intergovernmental Group could then meet in 1989 to report to the Committee at the fourteenth session. The other groups and China supported that proposal. The spokesman for *Group B* said that he would refer the matter back to his Group.

D. — Technical assistance and training

136. The spokesmen for *Group B* and the *Group of 77* and the representative of *China* all indicated the importance and satisfaction they attached to the work by the secretariat in that field and, in particular, noted the high quality of the training material prepared. The Group of 77 and China expressed sincere thanks to those donors who had made that activity possible. The spokesman for *Group B* noted, however, that his Group was disappointed at the fact that an evaluation report was not available to the Committee at its current session.

137. The *Deputy Director of the Shipping Division* noted that work in that area had been expanding and that resources had increased in proportion to the increase of those activities. An evaluation of substantive support to co-operation activities was being undertaken within the mechanisms of current procedures, the results of which would be reported to the Trade and

Development Board, and that regular internal project evaluations were carried out in line with practices established by multilateral or bilateral fund contributors. A comprehensive evaluation of technical assistance and training would be prepared for the fourteenth session of the Committee.

138. At the 5th meeting, a draft resolution on multimodal transport (TD/B/C.4(XIII)/SC.2/L.2) and a draft decision on maritime legislation, ports, and technical assistance and training (TD/B/C.4(XIII)/SC.2/L.3) were introduced by the representative of the Netherlands on behalf of *Group B*; and draft resolutions on multimodal transport and technological development (TD/B/C.4(XIII)/SC.2/L.4), on international maritime legislation (TD/B/C.4(XIII)/SC.2/L.5) and on technical assistance and training (TD/B/C.4(XIII)/SC.2/L.7) and a draft decision on ports (TD/B/C.4(XIII)/SC.2/L.6) were introduced by the representative of Cameroon on behalf of the *Group of 77*.

Action by Sessional Committee II

139. At its 6th meeting Sessional Committee II recommended for adoption in plenary meeting a draft resolution on the work programme introduced by the *Chairman* (TD/B/C.4(XIII)/SC.2/L.8), which was the outcome of informal negotiations on the basis of the draft resolutions and decisions submitted (TD/B/C.4(XIII)/SC.2/L.2-7), which were consequently withdrawn by their sponsors, as well as of a draft based on TD/B/C.4(XIII)/SC.1/L.5, which had been remitted to it from Sessional Committee I following a decision by the Bureau on 21 March 1988 (see para. 109 above). Draft resolution TD/B/C.4(XIII)/SC.1/L.6, which had also been referred to Committee II, was also withdrawn (see para. 109 above).

Action by the Committee

140. At its 153rd meeting, on 22 March 1988, the Committee on Shipping adopted the draft resolution recommended to it by Sessional Committee II (see annex I below, resolution 61 (XIII)).

E. — Statements made in Sessional Committee I concerning the work programme of the secretariat

141. The spokesman for *Group B* (United States of America), referring to the various studies and background work which the Committee had remitted to the UNCTAD secretariat at its thirteenth session, said that it would be most helpful if the secretariat could devise a preliminary scheme or outline, before engaging in the work itself, in order to give Governments an opportunity to comment in advance on the proposed work.

142. The spokesman for the *Group of 77* (Côte d'Ivoire), noting the request made by the spokesman for Group B, stated that the Group of 77 wished to be similarly informed of the secretariat's proposals for the work to be undertaken. He reaffirmed his Group's appreciation for the work done by the secretariat in general and expressed his satisfaction with the results of the current session of the Committee.

Chapter IV

CLOSING STATEMENTS

143. The *Secretary-General of UNCTAD* observed that the session had given impetus and guidance to UNCTAD's programme of work in the area of maritime transport, stressing the importance of the programme within UNCTAD's overall activities. In the current reorganization of the UNCTAD secretariat, the maintenance of a distinct shipping programme was a recognition of the specificity of its activities and the technical competence of its staff. UNCTAD's work on shipping and ports was very much in the mainstream of the organization's concerns.

144. The Committee in its early years had established the soundness of the idea that national shipping industries could be a basic element of the development processes of developing countries—a principle of great current relevance, in the discussions and negotiations on the broader issues of services in the development process. The precedent set by the Committee could usefully be drawn upon in that broader debate.

145. The resolution on imbalance (resolution 62 (XIII)) confirmed to need the promote the maritime interests of developing countries within a more balanced development of world shipping and shipbuilding and envisaged, at least implicitly, a growing share of such countries in the provision of efficient maritime transport services in the global economy. He hoped that that vision would be adopted in other service sectors.

146. As the Committee had been in the forefront of the promotion of international legal instruments in UNCTAD, he welcomed the fact that technical co-operation activities would reinforce the process of implementation of the various shipping conventions adopted under UNCTAD auspices. The Committee's work on ECDC in the field of shipping, ports and multimodal transport was an example of what could be done in other sectors of UNCTAD's work. At a time when prospects for accelerated growth in the world economy were generally poor, it was all the more important that the developing countries should mobilize their collective capacities.

147. He was encouraged by the focus on the question of financial measures to correct the imbalance, which was a realistic approach. It would, however, require more than a resolution of the Committee to ensure that such measures were actually taken and it was now up to all States members of UNCTAD to follow the guidelines which they had set in the Committee.

148. The spokesman for the *Group of 77* (Mexico) observed that if a more equitable international community was to be achieved it was essential that its most vulnerable segment should be protected—or, more concretely, that there should be non-reciprocal preferential treatment, which would apply also in the area of shipping. It was that concept which had guided his Group's approach to the session, the main theme of which had been imbalance. The resolution adopted in that connection (resolution 62 (XIII)) indicated the need to take account of the interests of the developing countries, in particular regarding the expansion of their merchant fleet and greater participation in the transport of cargoes generated by them.

149. The decision on co-operation among developing countries in shipping matters (decision 63 (XIII)) was a step forward in the establishment of much more fruitful South-South co-operation, and the participation of experts from all groups in the programme would be extremely beneficial.

150. At the current session the Committee had also prepared important guidelines for the future work programme of the secretariat. The adoption of minimum standards for shipping agents and the work on maritime fraud were very important issues for the Group of 77, as was the fact that the resolution initiated analysis of the issue of cargo insurance. He emphasized that all groups were favourably disposed to the secretariat's pursuit of its technical assistance to developing countries.

151. Referring to problems which prevented developing countries from participating adequately in the transport of cargoes generated by them, he said a further concern to the Group of 77 was that high technology ships continued to be owned for the most part by developed countries. The international community should take concrete action to improve conditions for participation by developing countries in shipping operations; in particular, they should be guaranteed access to finance. His Group was also for the elimination of subsidies and barriers to fair competition.

152. The Group of 77 considered the outcome of the session as partially satisfactory; a number of problems it regarded as important had been dealt with either not at all or not sufficiently. He reiterated the need for more dynamic action to implement instruments drawn up under UNCTAD auspices — in particular the Hamburg Rules, which afforded a better balance of interests among the parties.

153. The spokesman for *Group B* (Union of Soviet Socialist Republics) pointed out that his Group had participated in the preparation of the resolutions adopted by the Committee and had supported them. However, he noted that in Sessional Committee I Group D had suggested that a study concerning the composition of the group of open-registry countries and international registers should be undertaken as the Committee was to be informed of new trends in international shipping by the secretariat in its annual *Review of Maritime*

Transport. Group D had noted with satisfaction the statement by the Director of the Shipping Division in Sessional Committee I that the *Review* would consider new trends in world shipping.

154. The issue of fair competition on a commercial basis was one of the main problems in world shipping and Group D agreed that it was extremely difficult. There was thus all the more reason why the Committee should deal with the concept—which was used very broadly, its interpretation depending on the understanding of whoever was using it. He also observed that new economic trends and processes taking place in the maritime transport of Group D countries might be of interest for the international shipping community.

155. Group D hoped that the future work of the Committee would be directed to solving those problems of international shipping policy, which were of interest to all groups of countries.

156. The spokesman for *Group B* (United States of America) said that the results of the current session were realistic and supportable in the light of the realities of the current world shipping situation. He recalled that the issues raised by the spokesman for Group D had been considered in Sessional Committee I, which had decided that they were not ripe for consideration. Group B would be content therefore to let the report and the resolutions speak for themselves. Group B was aware that the Committee did not at the current session adopt a work programme according to the format decided by the Board in its resolution 352 (XXXIV) of 20 November 1987. However, at the next session it probably would be easier to achieve a satisfactory result, provided that the secretariat distributed a suitable pre-sessional document six weeks in advance, as foreseen.

157. The representative of *China*, reviewing the achievements of the session, pointed out that, notwithstanding the fact that the imbalance between supply and demand had eased, it remained a very serious problem of which all parties should have a sober understanding. He expressed the hope that the UNCTAD secretariat would strengthen its technical assistance activities in respect of the shipping industries of developing countries.

158. The representative of *Bolivia* recalled that, in its resolution 29 (VIII) of 22 April 1977, the Committee had recommended that the Secretary-General of UNCTAD prepare a paper on the possibilities of obtaining more favourable freight rates for land-locked developing countries. At a time when the developing countries were seeking non-reciprocal preferential freight rates, it seemed appropriate that the study requested of the secretariat should now be carried out. General Assembly resolution 42/174 of 11 December 1987 reaffirmed the international community's desire to grant favourable treatment to land-locked developing countries and UNCTAD had a central role to play in that respect. It was essential to reduce the cost of access to the sea for the land-locked countries in question, and a first step could be to establish preferential freight rates for their exports. Measures should also be taken to help such countries to develop their fledgling merchant fleets.

159. Bolivia had once had an extensive Pacific coastline and it hoped to resume full sovereignty over it in the future, in accordance with the provisions for the peaceful settlement of disputes in international law set out in the Charter of the United Nations.

160. The *Chairman*, reviewing the work of the session, said that the resolutions adopted contained important elements that had strengthened the process of regaining a lasting equilibrium in the market and, possibly more important, had established very concrete measures which should avoid, or at least reduce, the risk of a repetition of such grave imbalances as had been experienced over the last decade. For the first time Governments, with the assistance of interested private parties, had reached global agreement on concrete measures to be taken, as embodied in the request to limit financing of new vessels to those which showed viable commercial employment prospects.

161. Equally important, the Committee had recognized the need for Governments to harmonize national policy measures as that was the only way to provide an adequate framework for the healthy development of an international industry such as shipping. The Committee, by agreeing on those important measures, had once more demonstrated its ability to deal with complex matters and to provide the framework for solutions to problems facing the international community.

162. He noted that the parties involved in the deliberations had been not only Governments but equally various interests representing the shipping and related industries. The negotiations had often been inspired by the contribution that those representatives of the shipping industry had made, particularly in providing first-hand information on their specific concerns.

Chapter V

ORGANIZATIONAL MATTERS

(Agenda items 1, 2, 6, 7 and 8)

A. — Opening of the session

163. The thirteenth session of the Committee on Shipping was opened on 14 March 1988 by Mr. Ola Adegbeyeni (Nigeria), Chairman at the twelfth session of the Committee.

B. — Adoption of the agenda

(Agenda item 2)

164. At its 151st (opening) meeting, the Committee adopted the provisional agenda approved at the twelfth session as follows:

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Imbalance between supply and demand.
4. Other significant issues in world shipping.
5. Work programme.
6. Provisional agenda for the fourteenth session of the Committee.
7. Other business.
8. Adoption of the report of the Committee to the Trade and Development Board.

C. — Election of officers

(Agenda item 1)

165. At the same meeting, the Committee elected as *Chairman*, Mr. Hugo Sommerkamp-Bernales (Peru); as *Vice-Chairmen*, Mr. Gösta Lind af Hageby (Sweden), Mr. Zhu Jianxin (China), Mr. Tadeusz Lodykowski (Poland), Mr. Douglas Pelkola (Canada), and Mr. Roger Tchibota-Souamy (Gabon); and as *Rapporteur*, Mr. I. Gusti Ngurah Swetja (Indonesia).

D. — Establishment of sessional bodies

(Agenda item 2)

166. At its 151st meeting, on 14 March 1988, the Committee on Shipping decided to establish two sessional committees of the whole: Sessional Committee I to consider and report on items 3 and 4 of its agenda, and Sessional Committee II to consider and report on item 5.

167. At its 1st meeting, on 15 March 1988, Sessional Committee I elected as Chairman, Mr. J. Mansoor (Pakistan); and as Vice-Chairman-*cum*-Rapporteur, Mr. B. Vellnagel (Australia).

168. In the course of the session, Sessional Committee I held six meetings. At its 6th (closing) meeting, on 22 March 1988, Sessional Committee I adopted its draft report (TD/B/C.4(XIII)/SC.1/L.1), with minor amendments, and authorized the Rapporteur to complete the final version for inclusion, as appropriate, in the report of the Committee on Shipping on its thirteenth session (see chapters I and II above).

169. At its 1st meeting, on 15 March 1988, Sessional Committee II elected as Chairman, Mr. J. Kadaník (Czechoslovakia); and as Vice-Chairman-*cum*-Rapporteur, Mr. W. Ipsen (Federal Republic of Germany).

170. In the course of the session, Sessional Committee II held six meetings. At its 6th (closing) meeting, on 22 March 1988, Sessional Committee II adopted its draft report (TD/B/C.4(XIII)/SC.2/L.1), and authorized the Rapporteur to complete the final version for inclusion, as appropriate, in the report of the Committee on Shipping on its thirteenth session (see chapter III above).

Action by the Committee

171. At its 153rd meeting, on 22 March 1988, the Committee on Shipping took note of the reports of Sessional Committees I and II, which had been introduced by the respective Chairmen, and decided to incorporate them in the report on its thirteenth session.

E. — Membership and attendance

(Agenda item 2)

172. The following States members of UNCTAD, members of the Committee were represented at the session: Algeria, Argentina, Australia, Bahrain, Bangladesh, Belgium, Benin, Bolivia, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Côte d'Ivoire, Cuba, Czechoslovakia, Democratic People's Republic of Korea, Democratic Yemen, Denmark, Ecuador, Egypt, El Salvador, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guinea, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Jamaica, Japan, Kenya, Kuwait, Lebanon, Liberia, Libyan Arab Jamahiriya, Madagascar, Malta, Mauritius, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Saudi Arabia, Somalia, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania,

United States of America, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire.

173. The following other States members of UNCTAD were represented at the session: Austria, Bhutan, Gambia, Ireland, Mozambique, Niger.

174. The United Nations Commission on International Trade Law, Economic Commission for Europe were represented at the session.

175. The following specialized and related agencies were represented at the session: International Labour Organisation, United Nations Industrial Development Organization. The General Agreement on Tariffs and Trade was also represented.

176. The following intergovernmental organizations were represented in the session: European Economic Community, League of Arab States, Ministerial Conference of West and Central African States on Maritime Transport, Organisation for Economic Co-operation and Development, Organization of African Unity, Permanent Secretariat of the General Treaty on Central American Economic Integration.

177. The following non-governmental organizations in the general category were represented at the session: International Bar Association, International Chamber of Commerce, International Confederation of Free Trade Unions, International Foundation for Development Alternatives, and in the special category: Association of West European Shipbuilders, Baltic and International Maritime Council, Council of European and Japanese National Shipowners Associations, European Shippers' Councils, Federation of National Associations of Ship Brokers and Agents, Institute of International Container Lessors, International Association of Independent Tanker Owners, International Association of Dry Cargo Shipowners, International Chamber of Shipping, International Container Bureau, International Federation of Freight Forwarders Associations, International Shipowners' Association, Multiport Ship Agencies Network.

F. — Provisional agenda for the fourteenth session of the Committee

(Agenda item 6)

178. At its 153rd meeting, on 22 March 1988, the Committee took note of a provisional agenda for its fourteenth session, prepared in informal consultations and reproduced below. As the text was available only in English, the Committee decided to refer it for approval to the Trade and Development Board at the second part of its thirty-fourth session.

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Multimodal transport.
4. Economic co-operation among developing countries in the field of shipping, ports and multimodal transport.
5. Work programme.
6. Provisional agenda for the fifteenth session of the Committee.
7. Other business.
8. Adoption of the report of the Committee to the Trade and Development Board.

G. — Other business

(Agenda item 7)

Report on credentials

179. At its 153rd meeting, on 22 March 1988, the Committee adopted the report of its Bureau on credentials (TD/B/C.4/317).

H. — Adoption of the report of the Committee to the Trade and Development Board

(Agenda item 8)

180. At its 153rd (closing) meeting, on 22 March 1988, the Committee adopted its draft report (TD/B/C.4/L.175 and Add.1) and authorized the Rapporteur to complete the final version as appropriate.

ANNEXES

Annex I

RESOLUTIONS AND DECISION ADOPTED BY THE COMMITTEE ON SHIPPING AT ITS THIRTEENTH SESSION

A. — RESOLUTIONS

61 (XIII). Work programme

The Committee on Shipping,

Recalling resolution 144 (VI) of 2 July 1983 of the United Nations Conference on Trade and Development, Committee on Shipping resolutions 55 (XI) of 30 November 1984 and 60 (XII) of 21 November 1986, decisions 36 (IX) of 13 September 1980, 47 (X) of 25 June 1982 and 52 (XI) of 30 November 1984, resolution 6 (XI) of the Working Group on International Shipping Legislation, and resolution 2 (II) of the *Ad Hoc* Intergovernmental Group of Experts to Consider Means of Combating all Aspects of Maritime Fraud, including Piracy,

Having noted the reports of the *Ad Hoc* Intergovernmental Group on its second session[a] and the Working Group on its eleventh session,[b]

I

1. *Requests* the UNCTAD secretariat to update existing studies on the maritime transportation of selected commodities as well as to prepare studies which will analyse the impact of conditions of ocean transport services, particularly ocean freight rates, on exports of manufactured goods from developing countries, and on exports in trades between those countries, in order to provide them with information required for making appropriate decisions in this area;

II

2. *Endorses* the standard sequence and model container tariff rules contained in the final report of the Group of Experts to Develop and Recommend Model Rules for Multimodal Container Tariffs[c] and recommends their use in existing and/or new container tariff rules as appropriate;

3. *Requests* the UNCTAD secretariat to start the operation of a reference library for multimodal container tariff rules compiled from conferences, independent carriers and non-vessel operating carriers within the resources available to UNCTAD and to investigate also within existing resources, the possibilities of electronic storage and retrieval of data and report thereon to the Committee on Shipping at its fifteenth session;

4. *Instructs* the secretariat closely to monitor developments in ISO meetings related to developments in container dimensions and ratings, especially in Technical Committee 104, and to report at regular intervals to States members of UNCTAD and to the Committee on Shipping, and *encourages* all States members of UNCTAD to participate actively in ISO's work on container standards;

5. *Requests* the secretariat to produce in the UNCTAD working languages as required, the reports on rights and duties of container terminal operators and users,[d] and on the commercial risk factor in container terminal management[e] for their practical use;

6. *Requests* the UNCTAD secretariat:

(*a*) To prepare a detailed inventory of, and report on, the studies on multimodal transport and containerization so far carried out under decision 36 (IX) and listed in outline in TD/B/C.4(XIII)/CRP.2;

(*b*) To complete those still outstanding;

(*c*) To present the results for consideration and evaluation at the fourteenth session of the Committee on Shipping with a view to the Committee reviewing and deciding at that session on its draft programme of work and priorities in this field;

III

7. *Decides* to endorse the UNCTAD non-mandatory minimum standards for shipping agents, and recommends their use as appropriate;

8. *Requests* the UNCTAD secretariat to provide assistance, within available resources, in co-operation with international and professional organizations involved in shipping agency matters, to countries upon request, in regard to these minimum standards;

9. *Recommends* to Governments of States members of UNCTAD to urge the relevant commercial parties to utilize the services to be provided by the Maritime Fraud Prevention Exchange (MFPE), once established, as a means of combating maritime fraud;

10. *Invites* States members of UNCTAD and interested commercial parties to inform the UNCTAD secretariat of the effectiveness and positive contribution of the MFPE in combating maritime fraud;

11. *Requests* the UNCTAD secretariat to take appropriate measures to promote the MFPE, to monitor its activities, and to report thereon to the Committee on Shipping;

12. *Requests further* the UNCTAD secretariat to continue monitoring the work on the subject of sea waybills, in both liner and tramp shipping, being carried out by the relevant international organizations and to report on the progress made to the Committee on Shipping;

13. *Calls upon* States members of UNCTAD to inform the UNCTAD secretariat of the actual commercial and economic consequences they have noted for their merchant ships as a result of port State control at a regional level, and requests the UNCTAD secretariat to inform the Committee on Shipping of any such communication received;

14. *Approves* the convening of the twelfth session of the Working Group on International Shipping Legislation to be scheduled in the latter part of 1989 to take up the subject of charter parties;

15. *Urges* the Joint Intergovernmental Group of Experts on Maritime Liens and Mortgages and Related Subjects to complete its work during 1989 and to submit its final report for consideration by the Committee on Shipping at its fourteenth session;

IV

16. *Invites* the Secretary-General of UNCTAD to convene, within available resources, not later than the third quarter of 1989, an *ad hoc* intergovernmental group of port experts to review the practical problems which arise in respect of the development, improvement and operation of ports, and in the light of this review:

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[a] TD/B/C.4/296.

[b] TD/B/C.4/295.

[c] TD/B/C.4/308.

[d] UNCTAD/ST/SHIP/6.

[e] UNCTAD/ST/SHIP/12.

(*a*) To examine the secretariat's work in relation to the three highest priority studies requested at the first session of the Group, namely:

(i) Problems arising in setting up trans-shipment facilities in developing countries (taking account of the interests of both ports and ship operators);

(ii) Data processing in the domain of port operation and documentation;

(iii) Maintenance of port equipment;

and study:

(iv) The possibilities for regional co-operation in developing countries in the field of ports, with a view to ensuring the best use of scarce resources;

and to propose follow-up action appropriate for local, national and intergovernmental consideration;

(*b*) To review and monitor the work carried out by UNCTAD in the field of port management training and advisory services and to make suggestions for future activities;

(*c*) To prepare a report, with recommendations for the future work of the secretariat, for submission to the Committee on Shipping at its fourteenth session;

17. *Recommends* that States members of UNCTAD participate in the *Ad Hoc* Intergovernmental Group of Port Experts by sending persons with special responsibility for, or expertise in, port policy or the management and operation of ports;

V

18. *Requests* the UNCTAD secretariat to provide its technical assistance and undertake feasibility studies and training activities in shipping, ports, multimodal transport and maritime legislation in view of their importance to developing countries;

19. *Expresses appreciation* to the United Nations Development Programme, other financial institutions and donor countries who have funded the technical assistance and training activities, invites them to continue and if possible increase their contributions, and invites other countries in a position to do so also to contribute;

20. *Urges* the UNCTAD secretariat to submit to the Committee at its fourteenth session a comprehensive evaluation of the technical assistance programme provided by UNCTAD in the field of shipping, ports and multimodal transport including an analysis of the costs and, if feasible, practical benefits of such a programme and an indication of the guidelines and priorities followed by UNCTAD in responding to a request for assistance and to report in a background document to the Committee on Shipping;

21. *Requests* the UNCTAD secretariat to continue to strengthen the mechanisms of co-operation established by TRAINMAR amongst the participating countries, including developed countries, and to facilitate the receipt of financial contributions from donor countries, TRAINMAR-associated developing countries and UNDP in order to cover costs for the optimal functioning of the interregional and regional networks;

22. *Invites* the United Nations Development Programme to continue and expand, if possible, its programme of sectoral support advisory services in shipping, ports, multimodal transport and maritime legislation in order to assist developing countries in the assessment of their technical assistance requirements and the preparation of future programmes of assistance;

23. *Urges* the UNCTAD secretariat to continue its work to expand the Automatic System for Customs Accounting and Statistical Data Acquisition, Control and Management to include transport statistics, which would be funded through extrabudgetary resources, provided that there is no overlap with the work of the regional commissions of the United Nations;

24. *Requests* the UNCTAD secretariat in close collaboration with the appropriate organizations to provide assistance on request on the conceptual and operational aspects of container leasing in the transport industries of developing countries through its technical assistance and training activities within the resources made available to UNCTAD;

25. *Requests* the UNCTAD secretariat to conduct, within extrabudgetary resources available to UNCTAD, symposia and senior management seminars on the implications of the international maritime instruments negotiated under the auspices of the United Nations which fall within the field of competence of UNCTAD and to report back to the Committee on Shipping at its fourteenth session.

153rd meeting
22 March 1988

62 (XIII). Imbalance between supply and demand

The Committee on Shipping,

Taking note of the work carried out by the UNCTAD secretariat in response to resolution 144 (VI) of 2 July 1983 of the United Nations Conference on Trade and Development, Committee resolutions 48 (X) of 25 June 1982, 51 (XI) of 30 November 1984, and 57 (XII) of 21 November 1986, and in particular the reports entitled "Structure of world shipping"[f] and "Imbalance between supply and demand in world shipping",[g]

Convinced that a more balanced situation between supply and demand in world shipping should be achieved, bearing in mind the special interests of developing countries,

1. *Confirms* the recommendations made at its twelfth session in resolution 57 (XII), urging States to consider taking intensified measures designed to bring about a more balanced situation in world shipping and shipbuilding, inviting States to consider offering scrapping incentives for surplus tonnage and recommending restraint in the ordering of newbuildings without viable commercial employment prospects;

2. *Recognizes* the close interrelationship between shipping and shipbuilding developments and urges Governments, governmental institutions, banks, international and regional financial institutions and the shipbuilding industry to refrain from financing arrangements for ship purchases without studies concerning viable commercial employment prospects;

3. *Recognizes* the important role of shipping for the economic development of many developing countries and the need to promote the development of their national shipping industries;

4. *Urges* all States members of UNCTAD—in particular within the framework of regional economic organizations of which they are a member—to consider or reconsider the adoption and effective implementation of shipping policies which promote a more balanced situation in world shipping;

5. *Requests* the UNCTAD secretariat to continue to monitor developments in world shipping and likewise those developments in world shipbuilding which have an impact on world shipping developments, with particular reference to the imbalance between supply and demand in world shipping, and to report in co-operation with the relevant intergovernmental organizations thereon to the Committee on Shipping at its fourteenth session. In this connection, relevant statistical data should be incorporated in the annual *Review of Maritime Transport*;

6. *Requests* the UNCTAD secretariat to prepare—for consideration by the Committee at its fourteenth session—a report which will contain proposals for the international community to consider with the view to avoiding imbalance situations and promoting a more balanced development of world shipping. Recognizing that shipping is an international activity and that it affects groups of countries differently, it is necessary to hold global discussions and to find internationally acceptable policies taking into account the special interest of developing countries and the recognized need to assist them with the development of their merchant marines.

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B. — DECISION

63 (XIII). Economic co-operation between developing countries in the area of shipping, ports and multimodal transport

The Committee on Shipping

1. *Endorses* the report of the *Ad Hoc* Intergovernmental Group of Senior Officials on Co-operation among Developing Countries in Shipping, Ports and Multimodal Transport;[h]

[f] TD/B/C.4/301 and Corr.2.

[g] TD/B/C.4/312 and Corr.1 and Add.1.

[h] TD/B/C.4/311 and Corr.1.

2. *Decides:*

(a) To request the Secretary-General of UNCTAD to convene during 1989, within available resources, a group of experts for one week. The Secretary-General of UNCTAD, in consultation with the regional groups, shall select nineteen countries, in accordance with the usual principles of geographical distribution; these countries should propose experts from among whom the Secretary-General will appoint nineteen experts, also in accordance with the usual geographical distribution, to participate in the group of experts in which they will act in their personal capacities to propose an appropriate framework and modalities of interregional co-operation in the field of shipping services, taking into account the recommendations contained in resolution I (I) of the *Ad Hoc* Intergovernmental Group of Senior Officials;[i]

(b) Observers representing the shipping and related sectors including representatives of intergovernmental organizations as well as the United Nations regional commissions may attend the meeting of the Group of Experts;

3. *Requests* the UNCTAD secretariat to prepare and make available to the Group of Experts the relevant documentation to facilitate its work;

4. *Requests* the Secretary-General of UNCTAD to submit the findings, proposals and recommendations of the Group of Experts to the Committee on Shipping at its fourteenth session for consideration by the Committee.

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22 March 1988

[i] *Ibid.*, annex.

Annex II

DOCUMENTATION: COMMITTEE ON SHIPPING, FOURTEENTH SESSION[a]

Title	*Submission to: Committee Session*	*Agenda item*	*Status*	*Mandate Res/Dec*	*Comments*
Detailed inventory and report on multimodal transport and containerization per 36 (IX) including new work programme multimodal transport and technological development	XIV	3	TD/B/C.4/...	61 (XIII)	pre-sessional
Report on maritime transport operators in developing countries	XIV	3	Background	61 (XIII)	
Economic and commercial implications Hamburg Rules and multimodal transport Convention, Part II	XIV	3	Background	60 (XII)	
Interregional co-operation in shipping services	XIV	4	TD/B/C.4/...	63 (XIII)	pre-sessional
Report of group of experts ECDC	XIV	4	TD/B/C.4/...	63 (XIII)	submitted for endorsement
Co-operation in maritime transport, MEA and EEC experiences	XIV	4	Background	60 (XII)	from Intergovernmental Group ECDC
Work programme	XIV	5	TD/B/C.4/...	61 (XIII)	pre-sessional
Report on freight rate consultations and negotiations	XIV	5	Background	59 (XII)	interim report
Development of world shipping	XIV	5	Background	62 (XIII)	
Final report of Joint Intergovernmental Group of Experts	XIV	5	TD/B/C.4/...	61 (XIII)	submitted for endorsement
Report of Working Group on International Shipping Legislation XII	XIV	5	TD/B/C.4/...	61 (XIII)	submitted for endorsement
Report of Intergovernmental Group of Port Expert ?I	XIV	5	TD/B/C.4/...	61 (XIII)	submitted for endorsement
Report on technical assistance and training activities including comprehensive evaluation	XIV	5	Background	61 (XIII)	
UNCTAD/ST/SHIP/6	–	–		61 (XIII)	as requested
UNCTAD/ST/SHIP/12	–	–		61 (XIII)	as requested

[a] Annexed pursuant to a decision by the Bureau of 19 March 1988.

Annex III

CHECK-LIST OF DOCUMENTS BEFORE THE COMMITTEE AT ITS THIRTEENTH SESSION

Document No.	*Title*	*Agenda item*
TD/B/1123-TD/B/C.4/307	Report of the Committee on Shipping on its twelfth session (*Official Records of the Trade and Development Board, Thirty-third Session, Supplement No. 6*)	
TD/B/C.4/308-TD/B/C.4/AC.6/7	Final report of the Meeting of the Group of Experts to Develop and Recommend Model Rules for Multimodal Container Tariffs	5
TD/B/C.4/309	*Review of Maritime Transport, 1986:* report by the UNCTAD secretariat (United Nations publication, Sales No. E.87.II.D.6)	3
TD/B/C.4/309/Add.1	*Idem.* Beneficial ownership of open-registry fleets: report by the UNCTAD secretariat	3
TD/B/C.4/310 and Corr.1	Provisional agenda, annotations and suggestions for the organization of the work of the Committee: note by the UNCTAD secretariat	2
TD/B/C.4/311 and Corr.1-TD/B/C.4/AC.9/4 and Corr.1	Report of the *Ad Hoc* Intergovernmental Group of Senior Officials on Co-operation among Developing Countries in Shipping, Ports and Multimodal Transport	4
TD/B/C.4/312 and Corr.1 and Add.1	Supplementary report by the UNCTAD secretariat prepared pursuant to Committee resolution 57 (XII)	3
TD/B/C.4/313	Ocean freight rates and their effects on exports of developing countries; and report on the economic and commercial implications of the entering into force of the Hamburg Rules	4
TD/B/C.4/314 and Corr.1	Report by the UNCTAD secretariat	5
TD/B/C.4/315(Part I) and Corr.1	The economic and commercial implications of the entry into force of the Hamburg Rules and the multimodal transport Convention: report by the UNCTAD secretariat (part one: Hamburg Rules)	4
TD/B/C.4/316	Agenda for the thirteenth session of the Committee as adopted	2
TD/B/C.4/317	Report of the Bureau on credentials	7
TD/B/C.4/L.175 and Add.1	Draft report of the Committee on Shipping on its thirteenth session	8
TD/B/C.4/NGO/14	Communication received from the Institute of International Container Lessors: note by the UNCTAD secretariat	5
TD/B/C.4/NGO/15	Communication received from the European Shippers' Council: note by the UNCTAD secretariat	4
TD/B/C.4/INF.41	List of participants	
TD/B/C.4(XIII)/SC.1/L.1	Draft report of Sessional Committee I	3, 4
TD/B/C.4(XIII)/SC.1/L.2	Draft resolution submitted by the United States of America on behalf of the States members of Group B	3
TD/B/C.4(XIII)/SC.1/L.3	Economic co-operation between developing countries in the area of shipping, ports and multimodal transport: draft resolution submitted by the United States of America on behalf of the States members of Group B	4
TD/B/C.4(XIII)/SC.1/L.4	Draft resolution submitted by Mexico on behalf of the States members of the Group of 77	3
TD/B/C.4(XIII)/SC.1/L.5	Ocean freight rates and their effects on exports of developing countries: draft resolution submitted by Mexico on behalf of the States members of the Group of 77	4
TD/B/C.4(XIII)/SC.1/L.6	Economic and commercial implications of the entering into force of the Hamburg Rules and the multimodal transport Convention: draft resolution submitted by Mexico on behalf of the States members of the Group of 77	4
TD/B/C.4(XIII)/SC.1/L.7	Economic co-operation between developing countries in the area of shipping, ports and multimodal transport: draft decision submitted by Mexico on behalf of the States members of the Group of 77	4
TD/B/C.4(XIII)/SC.1/L.8	Proposal by the Union of Soviet Socialist Republics on behalf of the States members of Group D to replace paragraph 5 of draft resolution TD/B/C.4(XIII)/SC.1/L.4	3
TD/B/C.4(XIII)/SC.1/L.9	Proposal by the Union of Soviet Socialist Republics on behalf of the States members of Group D to add new paragraphs to draft resolution TD/B/C.4(XIII)/SC.1/L.4	3
TD/B/C.4(XIII)/SC.1/L.10	Draft resolution submitted by the Chairman of Sessional Committee I	3
TD/B/C.4(XIII)/SC.1/L.11	Economic co-operation between developing countries in the area of shipping, ports and multimodal transport: draft decision submitted by the Chairman of Sessional Committee I	4
TD/B/C.4(XIII)/SC.2/L.1	Draft report of Sessional Committee II	5
TD/B/C.4(XIII)/SC.2/L.2	Multimodal transport: draft resolution submitted by the Netherlands on behalf of the States members of Group B	5
TD/B/C.4(XIII)/SC.2/L.3	Maritime legislation, ports, technical assistance and training: draft decision submitted by the Netherlands on behalf of the States members of Group B	5

Document No.	Title	Agenda item
TD/B/C.4(XIII)/SC.2/L.4	Multimodal transport and technological development: draft resolution submitted by Cameroon on behalf of the States members of the Group of 77	5
TD/B/C.4(XIII)/SC.2/L.5	International maritime legislation: draft resolution submitted by Cameroon on behalf of the States members of the Group of 77	5
TD/B/C.4(XIII)/SC.2/L.6	Ports: draft decision submitted by Cameroon on behalf of the States members of the Group of 77	5
TD/B/C.4(XIII)/SC.2/L.7	Technical assistance and training: draft resolution submitted by Cameroon on behalf of the States members of the Group of 77	5
TD/B/C.4(XIII)/SC.2/L.8	Draft resolution submitted by the Chairman of Sessional Committee II	4, 5
UNCTAD/ST/SHIP/11	Ocean freight rates and their effects on exports of developing countries: report by the UNCTAD secretariat	4
UNCTAD/ST/SHIP/12	The commercial risk factor in container terminal management: report by the UNCTAD secretariat	5

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